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## VIA FEDERAL EXPRESS AND E-FILE

June 6, 2008

Hon. Denise L. Cote, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1040  
New York, NY 10007

**RE: Building Trades Employers' Association (BTEA) on behalf of The New York  
Plan for the Settlement of Jurisdictional Disputes vs. Local Union 3, IBEW  
Docket No.: 08-CV-4564  
Our File No.: 1784/187020**

Dear Hon. Judge Cote:

At the June 3, 2008 oral argument of the request for a preliminary injunction, Your Honor requested that the parties submit a short brief, by noon June 6, solely addressing the time in which the NLRB is likely to issue a 10(k) determination pertaining to the Unfair Labor Practice charges filed against Local 1 and Local 3 by non-party employer United Elevator Company. The Court has stated that it will issue the requested injunction in this case unless a 10(k) determination will be issued relatively quickly.

I conducted a search for the term "10(k)" in the Westlaw FLB-NLRB database for 10(k) decisions rendered by the NLRB since January 1, 2005. Of the results generated, 25 cases were produced in which the NLRB had issued a 10(k) determination. In addition, I searched the NLRB website for recently reported decisions which are not yet included in the Westlaw FLB-NLRB database, yielding 1 additional NLRB 10(k) determination. Enclosed with this letter is a table of citations to the 25 determinations found, including the date of filing of charges and the date of the determination. On average, 7.7 months lapsed between the filing of charges and the issuance of a decision. One case took 34 months and two cases took 15 months to decide.

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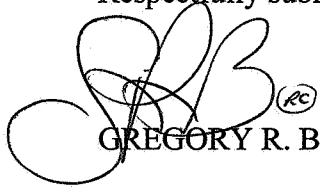
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The charges in this matter were filed May 27, 2008. It is therefore likely that no NLRB determination will issue for 7.7 months - until approximately mid-January 2009. Given this lengthy expected delay, the Court should not wait for an NLRB determination and should issue the requested injunctive relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'GRB', with a small circled 'rc' to its right.

GREGORY R. BEGG

GRB:rc

Enclosure

cc: Norman Rothfeld, Esq. (via facsimile)

Richard H. Markowitz, Esq. (via facsimile)

Louis J. Coletti (via facsimile)

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**RE: Building Trades Employers' Association (BTEA) on behalf of The New York Plan for the Settlement of Jurisdictional Disputes vs. Local Union 3, IBEW And "Reported 10(k) Cases from 1/1/05 to Present and Time Between Filing of Charge and 10(k) Determination"**  
**Docket No.: 08-CV-4564**  
**Our File No.: 1784/187020**

1. International Union of Operating Engineers and Structure Tone, Inc. (2008) (not yet reported; obtained from NLRB website), 7 months;
2. International Association of Machinists and Aerospace Workers and Lockheed Martin Aeronautics Company, 352 NLRB No. 57 (2008), 6 months;
3. International Longshore and Warehouse Union, Local 10, and Cemex Construction Materials, 352 NLRB No. 21 (2008), 4 months;
4. Building, Concrete, Excavating & Common Laborers Union and Tully Construction Co., Inc., 352 NLRB No. 20 (2008), 7 months;
5. United Brotherhood of Carpenters and Joiners of America, Local Union No. 623 and E.P. Donnelly, Inc., 7 months;
6. Laborers International Union of North America Local 210 and Surianello General Concrete Contractor, Inc., 351 NLRB No. 25 (2008), 8 months;
7. United Association, Local 447, AFL-CIO and Rudolph & Sletten, Inc., 350 NLRB No. 33 (2007), 6 months;
8. International Union of Elevator Constructors, Local 2 and Kone, Inc., 349 NLRB No. 112 (2007), 5 months;
9. The Commercial Division 67 of the Boston Newspaper Printing Pressmen's Union, Local 3 and George H. Dean Company, 349 NLRB No. 80 (2007), 6 months;
10. International Union of Operating Engineers, Local 150 and Royal Components, Inc., 348 NLRB No. 97 (2006), 5 months;

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11. Southwest Regional Council of Carpenters, United Brotherhood of Carpenters and Joiners of America and Standard Drywall, Inc., 348 NLRB No. 87 (2006), 10 months;
12. International Union of Operating Engineers, Local 150 and Patten Industries, Inc., 348 NLRB No. 33 (2006), 5 months;
13. Ohio and Vicinity Regional Council of Carpenters and Competitive Interiors, Inc., 348 NLRB No. 14 (2006), 7 months;
14. Laborers International Union of North America, Local No. 500 and Helm & Associates, Inc., 347 NLRB No. 68 (2006), 4 months;
15. International Association of Machinists and Aerospace Workers, District Lodge 160, Local Lodge 289, 347 NLRB No. 51 (2006), 6 months;
16. Chicago Regional Council of Carpenters, Local and Brewer Concrete Construction and Laborers Local No. 6, 347 NLRB No. 49 (2006), 4 months;
17. Iron Workers Local Union No. 112 and Freesen Inc., 346 NLRB No. 85 (2006), 5 months;
18. Southwest Regional Council of Carpenters, United Brotherhood of Carpenters and Joiners of America and Standard Drywall, Inc., 346 NLRB No. 48 (2006), 11 months;
19. International Union of Operating Engineers Local 150, and R&D Thiel, 345 NLRB No. 94, 345 NLRB 1137 (2005), 8 months;
20. International Union of Operating Engineers, Local 513 and Thomas Industrial Coatings, Inc., 345 NLRB No. 78 (2005), 3 months;
21. Sheet Metal Workers International Association Local Union No. 19, 345 NLRB No. 70 (2005), 15 months;
22. International Brotherhood of Electrical Workers Local 357 and Western Diversified Electric, 344 NLRB No. 147 (2005), 34 months;
23. International Association of Machinists and Aerospace Workers, District 190, Local Lodge 1414 and SSA Terminal, LLC, 344 NLRB No. 126 (2005), 9 months;

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24. Local 7, Empire State Regional Council of Carpenters, UBC and Five Brothers, Inc., 344 NLRB No. 116 (2005), 4 months;
25. Laborers International Union of North America, AFL-CIO and Eshbach Brothers, LP, 344 NLRB No. 4 (2005), 15 months;